

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 5004 of 2000

Between:

Bandaru Savithramma W/o B. Rushingappa
R/o 16/417, P.R.T.Street, Dharmavaram,
Anantapur District. PETITIONER

AND

- 1 The Secretary, Government of Andhra Pradesh,
Education Department, Secretariat, Hyderabad.
- 2 The Commissioner and Director of School Education,
rep. by its Secretary, Andhra Pradesh.
- 3 Dharmavaram Municipalities, rep. by its Municipal Commissioner
Dharmavaram, Ananthapur District.
- 4 The District Educational Officer, Ananthapur District.
- 5 The B.S.R.M.High School Rep. by its School Committee President
Dharmavaram, Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an order or Direction or Writ particularly one in the nature of Writ of Mandamus declaring the action of the 4th Respondent by erecting the another name board of the same school is wholly illegal, arbitrary and unjust and contrary to Law and also violative of principles of natural justice and violative of Articles 14, 16 and 21 of the Constitution of India and consequently direct the Respondent to delete the name stone laid on 27-1-2000 in the name of "Municipal Girls High School Sanjay Nagar, Dharmavaram" in the same premises of the School i.e B.S.R.Municipal High School, Sanjay Nagar, Dharmavaram, Ananthapur District and to run the School in the name

of B.S.R.Municipal High School.

Counsel for the Petitioner : Ms. B.MALLESWARI

Counsel for Respondents 1,2&4: G.P. FOR SCHOOL EDUCATION

Counsel for Respondent No.3 : MR.S.I.NEWTON

Counsel for Respondent No. 5 : None appeared

The Court made the following :

THE HONOURABLE SRI JUSTICE N.V.RAMANA

W.P.No.5004 of 2000

ORDER:

The present writ petition is filed questioning the action of the 4th respondent in changing the name of the 5th respondent school. The petitioner claims that she has donated a sum of Rs.1,00,000/- for construction of the school buildings and the Government of A.P. vide G.O. Rt No. 756 dated 16-05-1986 accorded permission for naming the 5th respondent school as “Bandaru Savithramma Rushingappa Municipal High School” and the school is being run in the said name since 1986. Keeping in view the growth of strength of the school, the second respondent vide letter Dis. No. 523/02/1/99 dated 13-12-1999 bifurcated the 5th respondent school as Boys High School and Girls High School. It is alleged that pursuant to bifurcation, the 4th respondent prepared a new name stone and erected the same on the wall of the 5th respondent school, without issuing any notice or obtaining consent from the petitioner. Hence, the present writ petition.

A counter affidavit was filed by 4th respondent in the year 2000 admitting bifurcation of the 5th respondent school and stating that one C.Chandrayudu made a representation dated 6-1-2000 to the Chairperson and the Municipal Commissioner that he is willing to donate Rs.2,00,000/- for development of the school and requested to name the Girls High School as “Smt Chippala Laxmi Kantham Chandrayudu Bhaskar Memorial Municipal Girls High School”. It is also stated that the Boys School is being run under the name of “Bandaru Savithramma Rishi Lingappa”.

When the matter is taken up on 24-06-05, learned Standing Counsel for 3rd respondent Municipality submitted that the person who promised to pay Rs.2,00,000/- for the development of the school has not paid the said amount. Thereafter, the 4th respondent filed an another counter affidavit dated 28-06-2005 stating that C.Chandrayudu has not paid any amount to the Dharmavaram

Municipality, hence the name requested by him was not inserted and the presumption of the petitioner that the name of the school would be changed is not correct. The relevant portion reads as under:

“.....The Council in its resolution No.427 dated 11-1-2000 has resolved to name the Girls High School as “Smt Chippala Laxmi Kantham Chandrayudu Bhaskar Memorial Municipal Girls High School”. But they have not paid any amount. After bifurcation there are two wings one is Girls High School another Boys High School. The Boys School was named as Bandaru Savithramma & Rushingappa Municipal High School (Boys). The girls school was named as B.S.R. Municipal High School (Girls). Though the resolution was passed in favour of Smt.Chippala Laxmi Kantham Chandrayudu Bhaskar, they have not paid any amount to Dharmavaram Municipality. Hence, their name was not inserted for Municipal High School (Boys or Girls). Hence, the presumption of Smt Savithramma on changing of their name from BSR Municipal High School to Smt Chippala Laxmi Kantham Chandrayudu Bhaskar Memorial Municipal Girls High School, is not correct and the writ petition and the writ petition may be disposed of.”

In view of the clear statement given by the 4th respondent in the counter affidavit dated 28-6-2005 that they are not going to change the name of the 5th respondent school, no further orders are required to be passed in the present writ petition.

Recording the statement made by the Commissioner of Municipality/4th respondent, the writ petition is closed. No costs.

N.V.RAMANA,J

19-07-2005

TVK

To

- 1 The Secretary, Government of Andhra Pradesh,
Education Department, Secretariat, Hyderabad.
- 2 The Commissioner and Director of School Education,
Andhra Pradesh, Hyderabad.
- 3 The Municipal Commissioner, Dharmavaram Municipality,
Dharmavaram, Ananthapur District.
- 4 The District Educational Officer, Ananthapur District.
- 5 The President, School Committee of B.S.R.M.High School
Dharmavaram, Ananthapur District.
- 6 Two CCs to the G.P. for School Education, High Court Buildings,
Hyderabad (OUT).
- 7 Two CD copies.

THE HONOURABLE SRI JUSTICE N.V.RAMANA

W.P.No.5004 of 2000

Date: 19-07-2005